

**SUPREME COURT MINUTES
THURSDAY, MAY 29, 2008
SAN FRANCISCO, CALIFORNIA**

S140413 C045348 Third Appellate District
(RICHARD

PEOPLE v. MILES

ALEX)

Opinion filed: Judgment affirmed in full

The judgment of the Court of Appeal is affirmed. The reasoning of *People v. Guerrero, supra*, 19 Cal.App.4th 401 is disapproved to the extent it is inconsistent with the views expressed in this opinion.

Opinion by: Baxter, J.

-----joined by: George, C. J., Kennard, Werdegar, Chin, Moreno, and Corrigan, JJ.

S141282 B180315 Second Appellate District, Div. 5
(JESSE

PEOPLE v. DELGADO

JOE)

Opinion filed: Judgment affirmed in full

The judgment of the Court of Appeal is affirmed. *People v. Luna, supra*, 113 Cal.App.4th 395, is disapproved to the extent it conflicts with the views expressed in this opinion.

Opinion by: Baxter, J.

-----joined by: George, C. J., Kennard, Werdegar, Chin, Moreno, and Corrigan, JJ.

S050102

**PEOPLE v. HENSLEY (PAUL
LOYDE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Clifford E. Zall's representation that he anticipates filing the respondent's brief by July 1, 2009, counsel's request for an extension of time in which to file that brief is granted to July 29, 2008. After that date, only six further extensions totaling about 337 additional days are contemplated.

S052210**PEOPLE v. RODRIGUEZ, JR.,
(JERRY)**

Extension of time granted

Good cause appearing, and based upon counsel Katherine Alfieri's representation that she anticipates filing the appellant's opening brief by June 2009, counsel's request for an extension of time in which to file that brief is granted to August 1, 2008. After that date, only five further extensions totaling about 300 additional days are contemplated.

S057156**PEOPLE v. CASE (CHARLES
EDWARD)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Robin Kallman's prior representation that she anticipates filing the appellant's opening brief by December 1, 2008, counsel's request for an extension of time in which to file that brief is granted to August 4, 2008. After that date, only two further extensions totaling about 120 additional days are contemplated.

S075725**PEOPLE v. JONES
(KIONGOZI)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing the appellant's opening brief by June 15, 2009, counsel's request for an extension of time in which to file that brief is granted to July 29, 2008. After that date, only five further extensions totaling about 321 additional days are contemplated.

S077033**PEOPLE v. DUENAS
(ENRIQUE PARRA)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald Turner's representation that he anticipates filing the appellant's opening brief by August 1, 2008, counsel's request for an extension of time in which to file that brief is granted to August 1, 2008. After that date, no further extension is contemplated.

S118045**PEOPLE v. ADAMS
(MARCUS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 4, 2008.

S141320

ROBINSON (JAMES) ON H.C.

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Analee J. Brodie's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by

July 8, 2008, counsel's request for an extension of time in which to file that document is granted to July 8, 2008. After that date, no further extension is contemplated.

S157601 C049069 Third Appellate District

PEOPLE v. CHUN (SARUN)

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to June 28, 2008.

S157820 C053172 Third Appellate District

**PEOPLE v. TRAYLOR
(DALE)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to July 2, 2008.

S159133 A115732 First Appellate District, Div. 2

**PEOPLE v. BONNETTA
(THOMAS)**

Extension of time granted

On application of appellant Michael Wilen and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to June 10, 2008.

S163298 C054597 Third Appellate District

**VOICES FOR RURAL
LIVING v. DEPARTMENT OF
TRANSPORTATION (LAKES
ENTERTAINMENT, INC.)**

Extension of time granted

On application of respondent - California Transportation Commission and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to June 3, 2008.

S163298 C054597 Third Appellate District

**VOICES FOR RURAL
LIVING v. DEPARTMENT OF
TRANSPORTATION (LAKES
ENTERTAINMENT, INC.)**

Extension of time granted

On application of appellants - Voices For Rural Living et al., and good cause appearing, it is ordered that the time to serve and file the reply to petition for review is extended to June 13, 2008.

S163348 C054596 Third Appellate District

**VOICES FOR RURAL
LIVING/(EL DORADO
COUNTY) v. DEPARTMENT
OF TRANSPORTATION
(LAKES ENTERTAINMENT,
INC.)/(SHINGLE SPRINGS
BAND OF MIWOK INDIANS)**

Extension of time granted

On application of appellants – Voices For Rural Living et al., and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to June 13, 2008.

S145330

962 SUSPENSION

Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of BRYANT KEITH CALLOWAY, #140431, pursuant to our order filed on May 2, 2008, is hereby terminated. This order is final forthwith.

S163573

**BAR ADMISSION 2008
(FEBRUARY EXAM)**

General Bar admission order filed

Follow-up motion

S162272**MOZER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that PAMELA ANN MOZER, State Bar No. 155893, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for 75 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed February 4, 2008. Credit toward the period of actual suspension must be given for the period of inactive enrollment which commenced on October 15, 2007. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order unless she has already done so during the period of her participation in the State Bar Court's Alternative Discipline Program. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S162273**NESIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that ROBERT BRETT NESIN, State Bar No. 119368, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. ROBERT BRETT NESIN is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162275**SZOCS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that STEVEN L. SZOCS, State Bar No. 171037, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. STEVEN L. SZOCS is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed February 6, 2008. It is further ordered that STEVEN L. SZOCS take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the years 2009, 2010, and 2011. It is further ordered that if STEVEN L. SZOCS fails to pay

any installment of the disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S162277**OLIVER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that ANGELA LYNN OLIVER, State Bar No. 195055, be suspended from the practice of law for three years and until she complies with standard 1.4(c)(ii) as more fully set forth below, that execution of the suspension be stayed, and that she be placed on probation for three years on condition that she be actually suspended for two years and until she pays the court ordered sanctions of \$1,000 in the case of *People v. Jodie Moore*, case number VCF 14845 in the Tulare Superior Court; pays court ordered sanctions of \$222 in the case of *Taylor Mills v. City of Fresno*, case number 04 CG 03033 NWS in the Fresno Superior Court, and has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 20, 2007. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162278**LUSK ON DISCIPLINE**

Recommended discipline imposed

It is ordered that KEITH WILLIAM LUSK, State Bar No. 82379, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed February 6, 2008. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever

is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs must be paid with membership fees for the years 2009 and 2010. It is further ordered that if KEITH WILLIAM LUSK fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief is granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162279**JACOBA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that CARL EDGAR CABANA JACOBA, State Bar No. 200565, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed on January 16, 2008. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162280**HOVE ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that RICHARD ERIC HOVE, State Bar No. 53780, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is ordered to make restitution to Joy Johnson in the amount of \$1,000 plus 10% interest per annum from December 7, 2006 (or to the Client Security Fund to the extent of any payment from the fund to Joy Johnson, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnish satisfactory proof thereof to the State Bar's Office of Probation. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

